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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,286	10/19/2001	Kenichi Hamazaki	16869N-037200US	4852

20350 7590 12/29/2005

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EXAMINER

WHIPKEY, JASON T

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/052,286	Applicant(s) HAMAZAKI ET AL.	
	Examiner Jason T. Whipkey	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 11, 2005, have been fully considered but they are not persuasive.

Regarding the Narayanaswami reference, Applicant argues, "The cited portions referred to by the Examiner do not teach combining user data with map data and stored data, then displaying the combination as claimed herein. They appear to describe on [sic] retrieval of information based on user input" (see page 7, lines 4-7). While it is true that Narayanaswami retrieves data upon user input, the word *comprising* in the preamble of the claim does not preclude such a step from being performed. See MPEP § 2111.03.

Additionally, user data (in the form of parameter data stored *in* the image; see column 7, lines 58-60), map data (see column 9, lines 40-55), and stored data (hyperlinked text describing places; see column 9, lines 34-40) are transmitted to the user by image retrieval system 200.

Specification

2. The amendment to the abstract is approved and the corresponding objection is withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 17, 21, 25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Narayanaswami (U.S. Patent No. 6,504,571).

Regarding **claim 17**, Narayanaswami discloses a method of supplying data comprising:

receiving user data (see column 7, line 65, through column 8, line 1) sent from a first terminal (camera 100) which user data contains image data, position data, and time data regarding when the image data was acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted within the image data; see column 6, lines 49-54; column 7, lines 58-60; and column 8, lines 47-52);

creating compound data by combining the user data with map data (from geographic/map query module 210; see column 9, lines 40-55) and stored data (from photo navigation query module 212; see column 9, lines 35-40); and

sending the compound data to a second terminal (user interface/display 202) on which this compound data can be displayed (see column 8, lines 26-29).

Regarding **claim 21**, Narayanaswami discloses a data supplying apparatus comprising:

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a storage device (image retrieval system 200) that stores user data sent from a first terminal (camera 100; see column 8, lines 40-45) which user data contains image data, position data, and time data regarding when the image data was acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted within the image data; see column 6, lines 49-54; column 7, lines 58-60; and column 8, lines 47-52), the storage device also storing map data (from geographic/map query module 210; see column 9, lines 40-55) and other stored data (from photo navigation query module 212; see column 9, lines 35-40); and

a combining unit that creates compound data by combining the user data, the stored data, and the map data (see column 9, lines 23-55); and

a sending unit for sending the compound data to a second terminal (I/O interface; see column 10, lines 34-39).

Regarding **claim 25**, Narayanaswami discloses:

the storage device stores user data in relation to a user ID (see column 7, lines 8-10).

Regarding **claim 27**, Narayanaswami discloses:

the combining unit retrieves the map data from a database (region boundary database 218; see column 8, line 63, through column 9, line 55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 18-20, 22, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of O'Neil (U.S. Patent No. 2002/0107027).

Regarding **claims 18 and 20**, Narayanaswami discloses a method of supplying data comprising:

receiving user data (see column 7, line 65, through column 8, line 1) sent from a first terminal (camera 100) which user data contains image data, position data, and time data regarding when the image data was acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted

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within the image data; see column 6, lines 49-54; column 7, lines 58-60; and column 8, lines 47-52);

receiving stored data (from photo navigation query module 212; see column 9, lines 35-40) from a first database (image database 216);

creating compound data by combining the user data and the stored data with map data (from geographic/map query module 210; see column 9, lines 40-55);

sending the compound data to a second terminal (user interface/display 202) on which this compound data can be displayed (see column 8, lines 26-29).

Narayanaswami is silent with regard to determining a fee to charge to a data distributor or terminal user.

O'Neil discloses an advertising system, including the method of:

determining a fee for the compound data to charge to a distributor of the stored data (see paragraphs 47 and 50), a user of the first terminal, or a user of the second terminal.

An advantage of calculating and charging a rate for data distribution is that the system operator may recoup the cost of providing the service. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's digital image archiving method include calculating a fee to charge a data distributor.

Regarding **claim 19**, Narayanaswami discloses:

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the second terminal can access the first database when the compound data is received (data describing the locations is supplied to interface/display unit 202; see column 9, lines 34-40).

Regarding **claim 22**, Narayanaswami discloses a data supplying apparatus comprising:

a storage device (image retrieval system 200) that stores user data sent from a first terminal (camera 100; see column 8, lines 40-45) which user data contains image data, position data, and time data regarding when the image data was acquired (the parameters in the table in column 7, including location and time, are acquired and transmitted within the image data; see column 6, lines 49-54; column 7, lines 58-60; and column 8, lines 47-52), the storage device also storing map data (from geographic/map query module 210; see column 9, lines 40-55) and other stored data (from photo navigation query module 212; see column 9, lines 35-40); and

a combining unit coupled to the storage device for creating compound data by combining the user data, the stored data, and the map data (see column 9, lines 23-55);

a supplying apparatus that supplies the compound data to a second terminal for display thereon (I/O interface; see column 10, lines 34-39); and

Narayanaswami is silent with regard to determining a fee to charge to a data distributor or terminal user.

O'Neil discloses an advertising system, including the method of:

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a charging unit that calculates a fee for the compound data (see paragraphs 47 and 50).

An advantage of calculating and charging a rate for data distribution is that the system operator may recoup the cost of providing the service. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's digital image archiving method include calculating a fee to charge a data distributor.

Regarding **claim 26**, Narayanaswami discloses:

the storage device stores user data in relation to a user ID (see column 7, lines 8-10).

Regarding **claim 28**, Narayanaswami discloses:

the combining unit retrieves the map data from a database (region boundary database 218; see column 8, line 63, through column 9, line 55).

8. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of Ota (U.S. Patent No. 6,437,797).

Claim 23 may be treated like claim 21. However, Narayanaswami is silent with regard to the specifics of displaying a map. Ota discloses:

the combining unit displays an image pointer (thumbnail 70B in Figure 10) based on the image data and a further pointer (marker 70A) based on stored data (the correspondence between the map and the latitude/longitude recorded) on the map data (see column 6, lines 11-15).

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An advantage of displaying a pointer based on captured photographs is that a user can easily recognize what is being marked on the map. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's system display pointers based on captured photographs.

9. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami in view of O'Neil and further in view of Ota.

Claim 24 may be treated like claim 22. However, Narayanaswami is silent with regard to the specifics of displaying a map. Ota discloses:

the combining unit displays an image pointer (thumbnail 70B in Figure 10) based on the image data and a further pointer (marker 70A) based on stored data (the correspondence between the map and the latitude/longitude recorded) on the map data (see column 6, lines 11-15).

An advantage of displaying a pointer based on captured photographs is that a user can easily recognize what is being marked on the map. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Narayanaswami's system display pointers based on captured photographs.

Conclusion

10. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu, can be reached at (571) 272-7320. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW

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December 22, 2005


TUAN HO
PRIMARY EXAMINER